

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION
This document relates to:
Track Three Cases

MDL 2804
Case No. 17-md-2804
Hon. Dan Aaron Polster

**PLAINTIFFS' MOTION FOR LEAVE TO FILE THEIR OPPOSITION
TO MOTION TO EXCLUDE EVIDENCE OF IMS CONTRACTS UNDER SEAL**

Pursuant to Local Rule 5.2, Plaintiffs seek leave to file their Opposition to CVS's Motion to Exclude Evidence of IMS Contracts [Dkt. #4073], along with corresponding Exhibits A-E, under seal.

Local Rule 5.2 states: "No document will be accepted for filing under seal unless a statute, court rule, or prior court order authorizes the filing of sealed documents." Loc. R. 5.2. Although the Opposition Brief does not contain confidential information, four of the exhibits contain information that has been subject to Protective and Confidentiality Orders, including Case Management Order No. 2 and the amendment thereto (ECF Nos. 441 & 1357). This information is subject to this Court's Order Amending Procedures Regarding Redactions and Filing of Briefs Under Seal (ECF No. 1813).

Plaintiffs do not believe the information warrants remaining under seal but seek to comply with all applicable Orders concerning information that has been marked or designated as confidential.

Plaintiffs respectfully request to proceed in this manner so there are no inadvertent disclosures of information subject to Protective and Confidentiality Orders and to comply with this Court's orders.

WHEREFORE, Plaintiffs respectfully request the Honorable Court to grant Plaintiffs' Opposition to Motion to Exclude Evidence of IMS Contracts and Related Exhibits Under Seal and to direct Defendants to indicate within three (3) business days whether they will assert any redactions.

Dated: October 25, 2021

Respectfully submitted,

Jayne Conroy
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
(212) 213-5949 (fax)
jconroy@simmonsfirm.com

Joseph F. Rice
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.
FARRELL & FULLER LLC
1311 Ponce de Leone Ave., Suite 202
San Juan, PR 00907
(304) 654-8281
paul@farrellfuller.com

Plaintiffs' Co-Lead Counsel

W. Mark Lanier
LANIER LAW FIRM
10940 W. Sam Houston Pkwy N., Ste 100
Houston, TX 77064
(713) 659-5200
(713) 659-2204 (Fax)
wml@lanierlawfirm.com

Trial Counsel

/s/ Peter H. Weinberger

Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

Frank L. Gallucci
PLEVIN & GALLUCCI CO., L.P.A.
55 Public Square, Suite 222
Cleveland, OH 44113
(216) 861-0804
(216) 861-5322 (Fax)
FGallucci@pglawyer.com

Hunter J. Shkolnik
NAPOLI SHKOLNIK
270 Munoz Rivera Avenue, Suite 201
Hato Rey, Puerto Rico 00918
hunter@napolilaw.com
(347) 379-1688

*Counsel for Plaintiffs Lake County and
Trumbull County, Ohio*

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger